

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

EREIC W. BACA,

Plaintiff,

v.

KING COUNTY DISTRICT  
COURT, et al.,

Defendants.

CASE NO. C24-1411JLR

ORDER

Before the court are (1) *pro se* Plaintiff Ereic W. Baca's complaint against Defendants King County District Court, Brian Todd, Robbert Van Cleave, Highway State Patrol, and the District of Columbia (together, "Defendants") (Compl. (Dkt. # 5)) and (2) United States Magistrate Judge Brian A. Tsuchida's order granting Mr. Baca's application to proceed *in forma pauperis* ("IFP") and recommending that this court review the complaint pursuant to 28 U.S.C. § 1915(e)(2)(B) before issuing summons (IFP Order (Dkt. # 4)). The court has considered Mr. Baca's complaint and the governing law.

1 Being fully advised, the court DISMISSES Mr. Baca’s complaint without prejudice and  
 2 with leave to amend.

3 Section 1915(e)(2)(B) authorizes a district court to dismiss a claim filed IFP “at  
 4 any time” if it determines that the action (1) is frivolous or malicious; (2) fails to state a  
 5 claim; or (3) seeks relief from a defendant who is immune from such relief. *See* 28  
 6 U.S.C. § 1915(e)(2)(B); *Lopez v. Smith*, 203 F.3d 1122, 1127 (9th Cir. 2000) (clarifying  
 7 that § 1915(e) applies to all IFP proceedings, not just those filed by prisoners). Because  
 8 Mr. Baca is a *pro se* plaintiff, the court must construe his pleadings liberally. *See*  
 9 *McGuckin v. Smith*, 974 F.2d 1050, 1055 (9th Cir. 1992). Nevertheless, his complaint  
 10 must still contain factual allegations “enough to raise a right to relief above the  
 11 speculative level” and to “state a claim to relief that is plausible on its face.” *Bell Atl.*  
 12 *Corp. v. Twombly*, 550 U.S. 544, 555, 570 (2007). Although the complaint need not  
 13 contain “detailed factual allegations,” it must include more than “an unadorned, the-  
 14 defendant-unlawfully-harmed-me accusation.” *Ashcroft v. Iqbal*, 556 U.S. 662, 678  
 15 (2009) (citing *Twombly*, 550 U.S. at 555); *see* Fed. R. Civ. P. 8(a) (requiring a pleading  
 16 to “contain . . . a short and plain statement of the grounds for the court’s jurisdiction,”  
 17 and “a short and plain statement of the claim showing that the pleader is entitled to  
 18 relief”).

19 The court concludes that Mr. Baca’s complaint does not meet these standards. Mr.  
 20 Baca provides the following statement of his claim:

21 nationalist my constitution rights been violated  
 22 threat and arrest  
 6/5/4/

1 (Compl. at 5.) He does not describe what each Defendant did to allegedly violate his  
2 rights. (*See generally id.*) Mr. Baca attaches to his complaint a copy of a notice of  
3 infraction issued by Washington State Patrol Officer Robbert Van Cleave on May 16,  
4 2024. (Ex. (Dkt. # 5-2).) Based on these submissions, the court construes Mr. Baca's  
5 complaint as attempting to raise a civil rights claim under 42 U.S.C. § 1983. Mr. Baca,  
6 however, has not alleged sufficient factual detail to "raise a right to relief above the  
7 speculative level" and to "state a claim to relief that is plausible on its face." *Twombly*,  
8 550 U.S. at 555, 570. Therefore, the court DISMISSES Mr. Baca's complaint (Dkt. # 5)  
9 without prejudice.

10 Courts typically allow *pro se* plaintiffs to amend their complaints in lieu of  
11 dismissal. *Yagman v. Garcetti*, 852 F.3d 859, 867 (9th Cir. 2017). If Mr. Baca intends to  
12 pursue a § 1983 civil rights action in this court, he must file, by no later than **January 15,**  
13 **2025**, an amended complaint that includes short, plain statements specifying: (1) the  
14 constitutional right he believes was violated; (2) the name or names of the person or  
15 persons who violated the right; (3) exactly what each individual or entity did or failed to  
16 do; (4) how the action or inaction of each individual or entity is connected to the violation  
17 of his constitutional rights; and (5) what specific injury he suffered because of the  
18 defendants' conduct. *See Rizzo v. Goode*, 423 U.S. 362, 371-72, 377 (1976). If Mr. Baca

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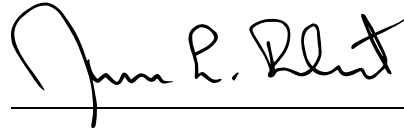
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1 fails to file an amended complaint by the deadline, or if the amended complaint fails to  
2 state a plausible claim for relief, the court will dismiss this case in its entirety.

3 Dated this 16th day of December, 2024.

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6 JAMES L. ROBART  
7 United States District Judge  
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